

## RESOLUTION NO. 1, 2010

### **AUTHORIZING THE SERVICE DIRECTOR TO ENTER INTO A CONTRACT WITH THE DIRECTOR OF TRANSPORTATION FOR THE PROJECT KNOWN AS HAM CR 604-3.48 (VINE STREET) AND DECLARING AN EMERGENCY**

The following Final Resolution enacted by the City of St. Bernard, Ohio, hereinafter referred to as the Legislative Authority/Local Public Agency or "LPA", in the matter of the stated described project.

**WHEREAS**, this project is being funded in part by the American Recovery and Reinvestment Act ("ARRA") and funds from that Act are capped at the Federal Share amount; and

**WHEREAS**, on the 4th day of September, 2009 the LPA enacted legislation proposing cooperation with the Director of Transportation for the described project:

**Resurfacing of County Road 659 and County Road 604 (Vine Street) from the South corporation line to the North corporation line. Plane 3" of surface and pave 1-1/2" of surface course and 1-1/2 of intermediate course on existing pavement. Install curb ramps and pavement markings as indicated on the plans, lying within the City of St. Bernard; and**

**WHEREAS**, the LPA shall cooperate with the Director of Transportation in the above described project as follows:

**The City agrees to assume and bear one hundred percent (100%) of the entire cost of the improvement, less the amount of Federal-Aid OKI ARRA funds set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, U.S. Department of Transportation, and further, the City agrees to assume and bear one hundred percent (100%) of the cost of Right-of-Way less the Federal-Aid funds set aside, as well as one hundred percent (100%) of the cost of Preliminary Engineering, excluding in-house preliminary engineering and Right-of-Way charges incurred by the State.**

The share of the cost of the LPA is now estimated in the amount of **Five Thousand Seven Hundred and 00/100 Dollars, (\$5,700.00)**, but said estimated amount is to be adjusted in order that the LPA's ultimate share of said improvement shall correspond with said percentages of actual costs when said actual costs are determined; and

**WHEREAS**, the LPA recognizes that it is responsible for all change orders and that the Department recommends the LPA set aside at least 6% of the total project cost to pay for potential changes, orders and cost overruns; and

**WHEREAS**, The Director of Transportation has approved said legislation proposing cooperation and has caused to be made plans and specifications and an estimate of cost and expense for improving the above described highway, and has transmitted copies of the same to this legislative authority; and

**WHEREAS**, the LPA desires the Director of Transportation to proceed with the aforesaid highway improvement; Now therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ST. BERNARD, STATE OF OHIO:

**Section 1.** That the estimated sum of **Five Thousand Seven Hundred and 00/100 Dollars, (\$5,700.00)**, is hereby appropriated for the improvement described above and the fiscal officer is hereby authorized and directed to issue an order to the treasurer for sum upon the requisition of the Director of Transportation to pay the cost and expense of said improvement. We hereby agree to assume in the first instance, the share of the cost and expense over and above the amount to be paid from **Federal** funds.

**Section 2.** That the LPA hereby requests the Director of Transportation to proceed with the aforesaid highway improvement.

**Section 3.** That the LPA enter into a contract with the State, and that the **Service Director** be, and is hereby authorized to execute said contract, providing for the payment of the LPA the sum of money set for the herein above for improving the described project.

**Section 4.** That the LPA transmit to the Director of Transportation a fully executed copy of this Resolution.

This is to certify that we have compared the foregoing copy of Resolution with the original record thereof, found in the record of the proceedings of the LPA, and which Resolution was duly passed by the LPA on the 24th day of January, 2010 and that the same is true and correct copy of the record of said Resolution and the action of said LPA thereon.

**Section 5.** This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety. The reason for the emergency is to expedite the highway project and to promote highway safety. Therefore, this Resolution shall take effect immediately by and upon its passage, and the approval of two-thirds of the members of said Council. However, this Resolution shall take effect on the earliest date provided by law if approved by no more than the majority of the members of Council, and in that event the emergency provisions herein are set at naught.

Passed this 21<sup>st</sup> day of January, 2010.

C. Curt Walsh  
President of Council

ATTEST: M. Sue Kathman  
Clerk of Council

Approved this 21<sup>st</sup> day of January, 2010.

Bill Burbehardt  
Mayor

I, M. SUE KATHMAN, CLERK OF COUNCIL, CITY OF ST. BERNARD, STATE OF OHIO, DO HEREBY testify that the publication of Resolution No. 1, 2010, was made by posting true copies of the same in the most public places designated by Council: St. Bernard Square Bus Stop; Vine Street and Washington Avenue; Bertus Street Park; Greenlee Avenue and Johnson Alley; Sullivan Avenue and Delmar Avenue; each for a period of fifteen (15) days or more commencing 1.21, 2010.

ATTEST: M. Sue Kathman DATE 1.21.10  
Clerk of Council

Approved as to form Kate Beckhaus Date 1.21.10  
Director of Law